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In re Application of :
Mark Colman et al :
Application No. 10/826,867 :
Filed: April 16, 2004 :
Attorney Docket No. 14389.2USU1 :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 26, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to submit the issue and publication fee in a timely manner in reply to the Notice of Allowance/Allowability mailed May 8, 2007 which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on August 9, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (1) and (2). Neither the Issue and Publication Fee due nor the Petition Fee have been received.

Further correspondence with respect to this matter should be addressed as follows:


Application No. 10/867,272

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The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the Carl Friedman at (571) 272-6842.


David Bucci
Petitions Examiner
Office of Petitions